

ESTTA Tracking number: **ESTTA759490**

Filing date: **07/20/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91227733
Party	Plaintiff eBay Inc.
Correspondence Address	HOPE HAMILTON HOLLAND & HART LLP PO BOX 8749A DENVER, CO 80201 UNITED STATES docket@hollandhart.com, HIHamilton@hollandhart.com, RTLawrence@hollandhart.com, mamooore@hollandhart.com, eBay@hollandhart.com
Submission	Opposition/Response to Motion
Filer's Name	Hope Hamilton
Filer's e-mail	docket@hollandhart.com, HIHamilton@hollandhart.com, RTLawrence@hollandhart.com, mamooore@hollandhart.com, eBay@hollandhart.com
Signature	/Hope Hamilton/
Date	07/20/2016
Attachments	eBay Brief in Opposition to Applicant Request for EOT Answer.pdf(2333996 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EBAY INC.,  Opposer,  v.  AHMED HEGAZY,  Applicant.	Opposition No. 91227733  Trademark: <b>CONSULTANTS BAY</b>  Serial No. 86/620,368
---	---

**EBAY’S BRIEF IN OPPOSITION TO APPLICANT’S REQUEST FOR EXTENSION OF  
TIME TO FILE ANSWER**

Opposer eBay, Inc. (“eBay”) hereby files its Brief in Opposition to Applicant’s Request For Extension Of Time To File Answer (“Motion”), and states as follows:

1. eBay filed its Notice of Opposition (“Notice”) May 4, 2016, and served courtesy copies to Applicant via Overnight Mail—one to the address of record on Application Serial No. 86/620,368 (“Application”) and one to Applicant’s alternate address found within his domain name registration—and via email (*see* Exhibit C, email to Applicant with Notice attached).
2. Applicant received the courtesy copy of the Notice sent via email. Indeed, on May 24, 2016 Applicant replied to the service email and protested eBay’s filing of the Notice (*see* Exhibit A, Applicant’s reply to Notice).
3. Applicant also received the hard copy of the Notice sent via Overnight Mail to Applicant’s alternate address (*see* Exhibit B, delivery confirmation of Notice).

4. Although Applicant was successfully served via email and Overnight Mail, the service copy to the address of record on the Application was returned as undeliverable because Applicant had provided an incorrect address on his Application in violation of TBMP § 310.02 (“[I]t is the responsibility of an applicant representing itself to keep the Office informed of its current address.”).
5. In an abundance of caution, eBay filed a Notice of Undeliverable Mail with the Trademark Trial and Appeal Board (“Board”) in order to strictly comply with 37 CFR § 2.101, which requires “service on the applicant . . . at the correspondence address of record in the Office” and notification of the Board “if any service copy of the opposition is returned to the opposer as undeliverable.”
6. The Board therefore served the Notice on Applicant—again—by publication in the Official Gazette on June 21, 2016 and ordered Applicant to file an Answer within 30 days or “the opposition will proceed as in the case of default.”
7. Having now been served by email, Overnight Mail, and publication, Applicant requests an additional two month extension to file an Answer based on the false statement that Applicant “had some issues with receiving the documents sent by the opposer.”
8. TBMP § 509.01 requires that the party moving for an enlargement of time “show good cause for the requested extension” and “set forth with particularity the facts said to constitute good cause for the requested extension.” Furthermore, cursory or conclusory allegations that are unequivocally false do not constitute a showing of good cause. *See, e.g., Instruments SA Inc. v. ASI Instruments Inc.*, 53 USPQ2d 1925, 1927 (TTAB 1999).

9. “Moreover, a party moving to extend time must demonstrate that the requested extension of time is not necessitated by the party’s own lack of diligence or unreasonable delay in taking the required action during the time previously allotted therefor. The Board will ‘scrutinize carefully’ any motion to extend time, to determine whether the requisite good cause has been shown.” TBMP § 509.01
10. Applicant’s Motion must be denied because its vague assertions regarding “issues with receiving the documents” fail to set forth with any particularity facts demonstrating good cause for an extension, and are furthermore contradicted by the record—a record that establishes Applicant’s lack of diligence and unreasonable delay in filing an Answer.
11. eBay therefore asks that the Board follow through on its order requiring that “the opposition will proceed as in the case of default” should the Applicant fail to file an Answer within 30 days of publication of the Notice in the Official Gazette (by July 21, 2016).

ACCORDINGLY, eBay asks that Applicant’s Motion be denied and that the Board enter a default judgment against Applicant as specified in the Board’s Service by Publication should he fail to file an Answer by the July 21, 2016 deadline. Should the Board deny this relief, eBay asks that the Board grant Applicant an extension of no more than two weeks (not months) from Applicant’s Answer deadline of July 21, 2016.

Dated this 20th day of July, 2016.

Respectfully submitted,

/s/ Hope Hamilton  
Hope Hamilton  
Robert T. Lawrence  
HOLLAND & HART LLP

P.O. Box 8749  
Denver, CO 80201  
(303) 473-4822  
[hihamilton@hollandhart.com](mailto:hihamilton@hollandhart.com);  
[rtlawrence@hollandhart.com](mailto:rtlawrence@hollandhart.com);  
[docket@hollandhart.com](mailto:docket@hollandhart.com)

**Attorneys for Opposer  
eBay, Inc.**

**CERTIFICATE OF SERVICE**

I certify that on July 20, 2016, I caused to be served a true and complete copy of the above BRIEF IN OPPOSITION TO APPLICANT’S REQUEST FOR EXTENSION OF TIME TO FILE ANSWER to the following by:

- Overnight mail, postage prepaid
- Hand Delivery
- Fax
- Email

Mr. Ahmed Nabil Hegazy  
1801, Manchester Tower, Dubai Marina 32923  
Dubai, United Arab Emirates

[Ahmed.Hegazy@Consultantsbay.com](mailto:Ahmed.Hegazy@Consultantsbay.com)  
[dr\\_nab@hotmail.com](mailto:dr_nab@hotmail.com)

Richard Appert  
[TMdomesticrep@legalzoom.com](mailto:TMdomesticrep@legalzoom.com)

*/s/Mark Moore* \_\_\_\_\_  
Mark Moore

# Exhibit A

**From:** Ahmed Hegazy <ahmed.hegazy@consultantsbay.com>  
**Sent:** Tuesday, May 24, 2016 8:23 AM  
**To:** Holland & Hart - eBay  
**Cc:** TMdomesticrep@legalzoom.com; Rob Lawrence; Hope I. Hamilton  
**Subject:** Re: U.S. Trademark Application No. 86620368; Mark: CONSULTANTS BAY; Applicant: Ahmed Hegazy; HH Ref. 78143.1145

Dears,

Im sorry to announce that probably I will have a campaign named "eBay monopolize the common word "Bay"" which will be featured in some startup & small business magazines and media websites in the MiddleEast as well globally. I was already contacted by one of the biggest startup international magazines regarding that matter.

I tried to sort out a solution, a win-win situation for both of us in my last call with you but it seems that There's no consideration for any payback for killing my brand as well for the investment I've made and the money I spent on my brand "Consultants Bay".

Thanks for your time and consideration

Thanks  
Ahmed Hegazy  
CEO of Consultant Bay

Sent from my iPhone  
On May 5, 2016, at 1:50 AM, Holland & Hart - eBay <[eBay@hollandhart.com](mailto:eBay@hollandhart.com)> wrote:

Dear Mr. Hegazy,

Please see the attached that was filed today. Copies are are being sent via overnight mail.

Regards,  
Mark

**Mark Moore | Holland Hart LLP**

*TM Paralegal*

1800 Broadway, Suite 300

Boulder, CO 80302

☎ (303) 473-2871

☎ (303) 473-2720

✉: [mamoore@hollandhart.com](mailto:mamoore@hollandhart.com)

<image001.png>

**CONFIDENTIALITY NOTICE:** This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail. Thank you.

<Notice of Opposition.pdf>

<Filing receipt \_ CONSULTANTS BAY Opp..pdf>

# Exhibit B

**From:** trackingupdates@fedex.com  
**Sent:** Sunday, May 08, 2016 2:47 AM  
**To:** Barbara A. Adams  
**Subject:** FedEx Shipment 776267243681 Delivered

---

This tracking update has been requested by:

Company Name: Holland & Hart  
Name: Barbara Adams  
E-mail: [baadams@hollandhart.com](mailto:baadams@hollandhart.com)

---

Our records indicate that the following shipment has been delivered:

Reference: 78143.1145  
Ship (P/U) date: May 4, 2016  
Delivery date: May 8, 2016 10:36 am  
Sign for by: M.OHAMED AHMED A ELLATIF  
Delivery location: CAIRO,  
Delivered to: Receptionist/Front Desk  
Delivery date: Sun, 5/8/2016 10:36 am  
Service type: FedEx International Economy  
Packaging type: FedEx Envelope  
Number of pieces: 1  
Weight: 0.90 lb.  
Special handling/Services: Deliver Weekday

Tracking number: 776267243681

Shipper Information Recipient Information  
BARBARA ADAMS AHMED NABIL HEGAZY  
HOLLAND HART 59 EL SHIKH REHAN STREET, ABDEEN  
1800 BROADWAY CAIRO  
SUITE 300 EG  
BOULDER 11111  
CO  
US  
80302

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 3:47 AM CDT on 05/08/2016.

To learn more about FedEx Express, please visit our website at [fedex.com](http://fedex.com).

All weights are estimated.

To track the status of this shipment online, please use the following:

<https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=776267243681&language=en&opco=FX&clientype=ivpodalrt>

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to fedex.com.

Thank you for your business.

# Exhibit C

**From:** Mark Moore on behalf of Holland & Hart - eBay  
**Sent:** Wednesday, May 04, 2016 3:50 PM  
**To:** dr\_nab@hotmail.com  
**Cc:** TMdomesticrep@legalzoom.com; Rob Lawrence; Hope I. Hamilton  
**Subject:** U.S. Trademark Application No. 86620368; Mark: CONSULTANTS BAY; Applicant: Ahmed Hegazy; HH Ref. 78143.1145  
**Attachments:** Notice of Opposition.pdf; Filing receipt \_ CONSULTANTS BAY Opp..pdf

Dear Mr. Hegazy,

Please see the attached that was filed today. Copies are are being sent via overnight mail.

Regards,  
Mark

**Mark Moore | Holland Hart LLP**

*TM Paralegal*

1800 Broadway, Suite 300

Boulder, CO 80302

☎ (303) 473-2871

☎ (303) 473-2720

✉: [mamoore@hollandhart.com](mailto:mamoore@hollandhart.com)

**HOLLAND & HART** 

**CONFIDENTIALITY NOTICE:** This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail. Thank you.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EBAY, INC.,  Opposer,  v.  AHMED HEGAZY,  Applicant.	Opposition No.:  Trademark: <b>CONSULTANTS BAY</b>  Serial No.: 86/620,368
--	--

**NOTICE OF OPPOSITION**

eBay, Inc. (“eBay”), a Delaware corporation with its principal place of business at 2145 Hamilton Avenue, San Jose, California 95125, believes that it will be damaged by the registration of the mark CONSULTANTS BAY shown in U.S. Trademark Application Serial No. 86/620,368 for “on-line professional networking services,” in International Class 35 (“the Application”), and hereby opposes it.

As grounds for its opposition, eBay alleges that, upon actual knowledge with respect to itself and its own actions, and upon information and belief as to other matters:

**EBAY’S BUSINESS**

1. eBay is the world’s leading online marketplace. Since its inception, eBay has registered over 450 million user accounts worldwide and hosts an online service featuring over 100 million items offered for sale on its website at [www.ebay.com](http://www.ebay.com) at any given time. Each day, millions of new items are listed for sale in hundreds of different categories of consumer goods and services, including telecommunications equipment, software, computers, coins, collectibles, art, clothing, cars, travel packages, cruise tickets, and real estate. eBay’s website

generates 1 billion page views per day. In 2014 alone, these page views generated over \$2,400 in transactions per second (or over \$140,000 per minute) on eBay, amounting to a grand total of over \$75 billion in goods sold on eBay worldwide.

### **EBAY'S MARKS**

2. Since its online marketplace was launched in September 1995, eBay has continuously used the mark EBAY in interstate commerce in the United States and in commerce between the United States and foreign countries in connection with its goods and services.

3. eBay is the owner of numerous U.S. registrations for the mark EBAY on the Principal Register (in word form and in design form), the earliest of which was issued on January 19, 1999. See Exhibit A. These registrations cover various goods and services. Each of these registrations is valid and subsisting, and many are now incontestable under the provisions of 15 U.S.C. § 1065. eBay's registrations include the following (*see* Exhibit A):

<b>TRADEMARK</b>	<b>REG. NO.</b>	<b>REG. DATE</b>	<b>CLASS(ES)</b>
EBAY	2,218,732	January 19, 1999	35
EBAY	2,367,932	July 18, 2000	28
EBAY	2,501,043	October 23, 2001	14
EBAY	2,518,652	December 11, 2001	25
EBAY	2,522,630	December 25, 2001	20
EBAY	2,578,260	June 11, 2002	18
EBAY	2,592,515	July 9, 2002	38
EBAY	2,604,374	August 6, 2002	21
EBAY	2,666,767	December 24, 2002	25
EBAY	2,700,675	March 25, 2003	9
EBAY	2,700,836	March 25, 2003	16

EBAY	2,744,717	July 29, 2003	38
EBAY	2,810,863	February 3, 2004	16
EBAY	2,913,401	December 21, 2004	41
EBAY	2,926,481	February 15, 2005	41
EBAY (Stylized)	4,408,423	Sept. 24, 2013	35, 36, 38

4. eBay also has extensive common law rights in its EBAY and EBAY (Stylized) marks, and uses these marks in connection with a wide variety of goods and services throughout the United States and abroad.

5. In addition to the EBAY and EBAY (Stylized) marks noted above, eBay owns a number of U.S. registrations and pending U.S. applications to register marks that extend its family of EBAY marks, including the following (*see* Exhibit B):

<b>TRADEMARK</b>	<b>APPL. NO. OR REG. NO.</b>	<b>APPL. OR REG. DATE</b>	<b>CLASS(ES)</b>
EBAY (Stylized)	85/727,672	September 12, 2012	9, 14, 16, 18, 20, 21, 25, 28, 30, 41, 42, 45
WHEN IT'S ON YOUR MIND, IT'S ON EBAY	4,105,599	February 28, 2012	35
EBAY CLASSIFIEDS GROUP & Design	4,338,835	May 21, 2013	35

The registrations listed above are valid and subsisting. All of eBay's marks that consist of or incorporate the term EBAY are hereafter referred to as the "EBAY Marks."

6. EBAY is an invented, fanciful mark that is highly distinctive. The term EBAY has no descriptive meaning as applied to marketplace, auction, listing, advertising, marketing or

online trading services, or to any of the other goods and services covered by eBay's registrations or in connection with which it uses the EBAY Marks.

7. eBay has expended considerable money and effort in promoting the EBAY Marks, and goods and services offered in connection with these marks, both in the United States and internationally. For example, from the beginning of 2013 to the end of 2014, eBay's advertising and promotion expenditures around the world totaled over \$3 billion.

8. In addition to its own advertising efforts, eBay has been the subject of thousands of unsolicited stories in television, radio, and print media that highlight eBay's innovative and successful efforts in online person-to-person trading and sales.

9. eBay and its brand have also received numerous awards and recognitions and been acclaimed by the media worldwide. In 2012, eBay ranked 36th in the Interbrand survey of the 100 Best Global Brands. In both 2013 and 2014, this ranking moved up to 28th with an estimated value of \$13.16 billion in 2013, and \$14.35 billion in 2014, coming ahead of other well-known brands such as FACEBOOK, VOLKSWAGEN, FORD, GUCCI, NESTLÉ, AUDI, ADIDAS, and VISA. The EBAY mark has also been consistently ranked by *Business Week* as one of the Top 50 "Best Global Brands." eBay itself has garnered many other accolades, including the 2007 National Medal of Technology and Innovation award by the President of the United States; *Fortune* magazine's "Top 100 Fastest Growing Companies" (ranking eBay as 8th) in August 2003; *Red Herring* magazine's "The Top 100 Companies Most Likely to Change the World" in May 2001; Harvard Business School's "Entrepreneurial Company of the Year" in May 2000; *Forbes* magazine's "Favorite Auction Site" in December 1999; *Business Week*

magazine's "Info Tech 100" in July 1999; *Ad Week* magazine's "Top Marketers of the Year" in May 1999; and The Webby Award's "Top E-Commerce Site" in March 1999.

10. The enthusiasm for eBay's goods and services abroad has been so overwhelming that eBay maintains separate, country-specific websites for Australia, Austria, Belgium, Canada, France, Germany, Hong Kong, India, Ireland, Italy, Malaysia, the Netherlands, New Zealand, Singapore, Spain, Sweden, Switzerland, and the U.K., and it has related websites in Argentina, Brazil, Chile, China, Colombia, Costa Rica, Dominica, Ecuador, South Korea, Mexico, Panama, Peru, Taiwan, Uruguay, and Venezuela. eBay also serves customers and has registered users in many additional countries.

11. As a result of eBay's widespread use of the EBAY Marks worldwide, extensive Internet, television, and print advertising and promotion, continuous and unsolicited media coverage, the high degree of consumer recognition of the EBAY Marks, the large base of loyal customers that eBay enjoys for its services, numerous trademark registrations, and the absence of any material use of any highly similar mark by others, among other factors, the EBAY Marks are famous within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

#### **DISTINCTIVENESS OF THE TERM "BAY"**

12. The dominant component of the famous EBAY Marks is the term BAY, which is arbitrary and highly distinctive of the goods and services covered by eBay's registrations and in connection with which it uses the EBAY Marks.

13. Following on the fame and success of eBay, a number of entities have attempted to adopt names and marks that combine the generic or descriptive term for what the particular service or website offers or provides with the distinctive BAY suffix of the EBAY Marks, to

create a “generic/descriptive term plus BAY” mark. Examples of such marks, the use of which eBay has successfully stopped, include: REALBAY (online real estate listing, marketplace and auction website), ALTERNABAY (site offering goods related to alternative lifestyles), AUTOBAY (site advertising automobiles for sale), BOATBAY (site offering a “nautical search portal”), BRICKBAY (site offering Lego® bricks), CARBAY (site advertising automobiles for sale), EGGBAY (site offering items for egg farmers), COINBAY.BIZ (site offering auctions of collectible coins), EMERGENCYBAY (site offering emergency rescue goods), EVENTS BAY (online events guide), JEWELRYBAY (site offering diamonds and fine jewelry), MILITARYBAY (site offering military goods), NAZIBAY (site offering Nazi memorabilia), NIXBAY (an online auction and classified website that charged “nix” or nothing to list items), SELLINGBAY (site listing auctions, classifieds, and want ads), and XBAY (site offering sexually-oriented material), among others.

14. The United States Patent and Trademark Office (“PTO”) has recognized that the dominant component of the EBAY Marks is the term BAY, refusing third-party registrations on the ground that the use of BAY combined with a generic or descriptive term is likely to cause confusion with the EBAY Marks.

15. For example, the PTO refused registration of Application Serial No. 78/516,920 for the mark FLEABAY for “flea markets” because “applicant’s mark, when used on or in connection with the identified goods or services, so resembles the marks in U.S. Registration Nos. 2218732, 2420512, 2218732, 2514362, 2555505 and 2913227 (all owned by [eBay]) as to be likely to cause confusion, to cause mistake, or to deceive.”

16. Similarly, the PTO refused registration of Application Serial No. 78/552,094 for the mark BAY BAZAAR for “[b]usiness management assistance and particularly carrying out tasks necessary for the smooth conduct of sales by auction” because of a “likelihood of confusion with the marks in U.S. Registration Nos. 2555505, 2218732, 2410023 and 2420512,” all of which similarly are owned by eBay.

17. The PTO has also recognized the distinctiveness of the BAY component in refusing registration of the following marks in light of the EBAY Marks: BAYRU & Design (Serial No. 85/075,519), BAYRU (Serial No. 85/086,853), IBAY (Serial No. 76/195,016) and TBAY AUCTION (Serial No. 78/059,732). Likewise, the Ninth Circuit in *Perfumebay.com Inc. v. eBay Inc.*, 506 F.3d 1165 (9th Cir. 2007), recognized the distinctiveness of the BAY component of the EBAY Marks, held that the term “BAY” is the dominant aspect of the EBAY Marks, and found that use of the mark PERFUMEBAY in connection with an online marketplace specializing in perfume would dilute the EBAY Marks. The Court noted that use of the mark PERFUMEBAY may cause consumers to “no longer associate the usage of the “Bay” suffix with eBay’s unique services, specifically the sale of products on an internet-based marketplace. The uniqueness of eBay’s mark is diluted in direct proportion to the extent consumers, particularly internet users, disassociate the eBay mark with eBay’s services.” *Perfumebay.com*, 506 F.3d at 1181.

18. If others could freely use “generic/descriptive term plus BAY” marks to offer or advertise their goods or services, the term BAY could become generic for “marketplace” or “location providing items for sale” or “location where goods and services are offered online,”

diluting the distinctiveness of the famous EBAY Marks to the point that they cease to function as unique and distinctive identifiers of eBay's goods or services, to eBay's severe detriment.

#### **APPLICANT AND ITS PENDING APPLICATION**

19. Applicant seeks to register the word mark CONSULTANTS BAY in connection with “[o]nline professional networking services” in International Class 35. This application was published in the Official Gazette of the PTO on January 5, 2016.

20. On information and belief, the Applicant is using the CONSULTANTS BAY mark for the purposes of connecting buyers and sellers of consulting services through an online platform. (See Exhibit C, containing website printouts of Applicant's website [www.consultantsbay.com](http://www.consultantsbay.com)).

21. The CONSULTANTS BAY mark is highly similar to the EBAY Marks and follows the same pattern as the many “descriptive/generic term plus BAY” marks that surfaced following the success of eBay. Specifically, CONSULTANTS is descriptive in that it describes a feature of Applicant's goods and services (*i.e.*, the consumers of its online networking services), while the term BAY is arbitrary as applied to these services. By combining the descriptive term CONSULTANTS with the dominant, arbitrary, and distinctive term BAY, Applicant has created a “descriptive term plus BAY” mark that emulates and calls to mind EBAY.

22. In addition, the goods and services identified in the Application for CONSULTANTS BAY overlap with eBay's goods and services. Specifically, eBay offers and provides online advertising, listing, marketing, auction, trading, and marketplace services for a large variety of goods and services, including but not limited to consulting services. Applicant's

claimed online networking services for consultants are therefore subsumed within and are highly related to eBay's goods and services, and are marketed in the same manner, to the same customers and through the same channels of trade.

23. Upon information and belief, Applicant selected the CONSULTANTS BAY mark with knowledge of and intent to cause confusion with, and/or create a purposeful association with, the EBAY Marks.

24. eBay is not affiliated or connected with Applicant or its goods and services, nor has eBay endorsed or sponsored Applicant or its goods and services.

25. There is no issue as to priority of use. eBay began using its EBAY mark, and enjoys priority as a result of the filing dates of its trademark registrations, well prior to the May 5, 2015 filing date of the application for the CONSULTANTS BAY mark, and upon information and belief, well prior to any use by Applicant of the CONSULTANTS BAY mark.

**COUNT I**  
**Likelihood of Confusion**  
**15 U.S.C. § 1052(d)**

26. eBay realleges and incorporates by reference the preceding allegations of this Notice of Opposition.

27. Registration of the CONSULTANTS BAY mark will injure eBay by causing the public to be confused or to believe, erroneously, that the goods and services provided by Applicant are endorsed or sponsored by eBay. eBay has no control over the nature and quality of the goods and services offered by Applicant under the confusingly similar CONSULTANTS BAY mark, and eBay's reputation and goodwill will be damaged and the value of the EBAY Marks jeopardized, all to eBay's detriment.

28. Since well prior to the filing date of the Application, Applicant's first use of the CONSULTANTS BAY mark, or any priority date upon which Applicant may rely, eBay has used one or more of the EBAY Marks.

29. Registration of the mark herein opposed will damage eBay because the CONSULTANTS BAY mark is likely, when used on or in connection with the goods and services described in the Application, to cause confusion, or to cause mistake or to deceive. Thus the CONSULTANTS BAY mark is unregistrable under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and should be refused registration.

**COUNT II**  
**Likelihood of Dilution**  
**15 U.S.C. § 1125(c)**

30. eBay realleges and incorporates by reference the preceding allegations of this Notice of Opposition.

31. EBAY is a fanciful mark and is thus highly distinctive of eBay's goods and services.

32. eBay has used the EBAY Marks since at least September 1995 for online trading services and associated goods and services, and has expanded use of the EBAY Marks to many other goods and services. eBay has used and continues to use the EBAY Marks throughout the United States and many countries around the world.

33. eBay has advertised and promoted the EBAY Marks through extensive internet, radio, television, and print advertising and promotion. eBay and the EBAY Marks have enjoyed extensive media attention. As a result of the considerable publicity afforded the EBAY Marks,

and the large base of loyal customers that eBay enjoys for its goods and services, the EBAY Marks have an extremely high degree of consumer recognition.

34. Apart from unauthorized infringing uses of such marks, which eBay actively and diligently polices through its enforcement program, there is no material use of any highly similar mark by others.

35. Accordingly, when the public encounters the term EBAY, it immediately associates the term with eBay.

36. The EBAY Marks are therefore famous and well known under 15 U.S.C. § 1125(c), and the EBAY Marks were famous and well known well prior to the filing date of the Application, Applicant's first use of the CONSULTANTS BAY mark, or any priority date upon which Applicant could rely.

37. The CONSULTANTS BAY mark incorporates the distinctive and dominant part of the EBAY Marks, the "BAY" suffix, and its use is likely to cause dilution of the famous EBAY Marks. If Applicant and others are permitted to register marks similar to the EBAY Marks, the proliferation of such marks will blur and weaken the connection in consumers' minds between the EBAY Marks and eBay's goods and services.

38. Thus, registration of the mark herein opposed is likely to dilute the distinctive quality of eBay's famous EBAY Marks. The CONSULTANTS BAY mark is therefore unregistrable under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), and should be refused registration.

WHEREFORE, eBay believes that it will be damaged by registration of the mark shown in the Application and requests that Application Serial No. 86/620,368 be rejected, that no

registration be issued in connection with the Application and that this Opposition be sustained in favor of eBay.

The filing fee in the amount of \$300 is being transmitted electronically with this submission. Any deficiency in the fee should be charged to Deposit Account No. 08-2623.

Dated this 4th day of May, 2016.

Respectfully submitted,

/s/ Hope Hamilton

Hope Hamilton  
Robert T. Lawrence  
HOLLAND & HART LLP  
P.O. Box 8749  
Denver, CO 80201  
(303) 473-4822  
[hihamilton@hollandhart.com](mailto:hihamilton@hollandhart.com);  
[rtlawrence@hollandhart.com](mailto:rtlawrence@hollandhart.com);  
[docket@hollandhart.com](mailto:docket@hollandhart.com)

**Attorneys for Opposer  
eBay, Inc.**

**CERTIFICATE OF SERVICE**

I certify that on May 4, 2016, I served a true and complete copy of the above NOTICE OF OPPOSITION to the following by:

- Overnight mail, postage prepaid
- Hand Delivery
- Fax
- Email

Mr. Ahmed Nabil Hegazy  
Discovery Gardens 411  
59 Building Street Number 5  
Dubai, United Arab Emirates 4354

Mr. Ahmed Nabil Hegazy  
59 El Shikh Rehan Street, Abdeen  
Cairo, CAI 11111  
Egypt

[dr\\_nab@hotmail.com](mailto:dr_nab@hotmail.com)

Richard Appert  
[TMdomesticrep@legalzoom.com](mailto:TMdomesticrep@legalzoom.com)

*/Barbara A. Adams/*  
Barbara A. Adams

# **Exhibit A**



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | BOTTOM | HELP

Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

( Use the "Back" button of the Internet Browser to return to TESS)

# Typed Drawing

<b>Word Mark</b>	EBAY
<b>Goods and Services</b>	IC 035. US 100 101 102. G & S: on-line trading services in which seller posts items to be auctioned and bidding is done electronically, and providing evaluative feedback and ratings of sellers' goods and services, the value and prices of sellers' goods, buyers' and sellers' performance, delivery, and overall trading experience in connection therewith. FIRST USE: 19950904. FIRST USE IN COMMERCE: 19950904
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75391661
<b>Filing Date</b>	November 17, 1997
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	October 27, 1998
<b>Registration Number</b>	<b>2218732</b>
<b>Registration Date</b>	January 19, 1999
<b>Owner</b>	(REGISTRANT) eBay Inc. CORPORATION CALIFORNIA 2005 Hamilton Avenue, Suite 350 San Jose CALIFORNIA 95125  (LAST LISTED OWNER) EBAY INC. CORPORATION DELAWARE 2145 HAMILTON AVENUE SAN JOSE CALIFORNIA 95125
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Ester Martin Maillaro
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080902.

**Renewal** 1ST RENEWAL 20080902  
**Live/Dead Indicator** LIVE

---

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | BOTTOM | HELP

Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

( Use the "Back" button of the Internet Browser to return to TESS)

# EBAY

<b>Word Mark</b>	EBAY
<b>Goods and Services</b>	IC 028. US 022 023 038 050. G & S: Christmas tree ornaments and soft sculpture toys. FIRST USE: 19981215. FIRST USE IN COMMERCE: 19981215
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75621219
<b>Filing Date</b>	January 13, 1999
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	April 25, 2000
<b>Registration Number</b>	<b>2367932</b>
<b>Registration Date</b>	July 18, 2000
<b>Owner</b>	(REGISTRANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose CALIFORNIA 95125
<b>Attorney of Record</b>	Ester Martin Maillaro
<b>Prior Registrations</b>	2218732
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100703.
<b>Renewal</b>	1ST RENEWAL 20100703
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE DICT](#)

[SEARCH OG](#)

[TOP](#)

[HELP](#)

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG BOTTOM HELP

Logout Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

TSDR ASSIGN Status TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

# Typed Drawing

Word Mark	EBAY
Goods and Services	IC 014. US 002 027 028 050. G & S: clocks and watches. FIRST USE: 19980513. FIRST USE IN COMMERCE: 19980513
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75981055
Filing Date	January 13, 1999
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	November 23, 1999
Registration Number	<b>2501043</b>
Registration Date	October 23, 2001
Owner	(REGISTRANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose CALIFORNIA 95125
Attorney of Record	Ester Martin Maillaro
Prior Registrations	2218732
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 8 (6-YR). SECTION 8(10-YR) 20111215.
Renewal	1ST RENEWAL 20111215
Live/Dead Indicator	LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG TOP HELP





## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# Typed Drawing

**Word Mark** EBAY

**Goods and Services** IC 025. US 022 039. G & S: Clothing, namely, t-shirts, caps and sweatshirts. FIRST USE: 19980513. FIRST USE IN COMMERCE: 19981200

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75981021

**Filing Date** January 20, 1999

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** April 11, 2000

**Registration Number** 2518652

**Registration Date** December 11, 2001

**Owner** (REGISTRANT) eBay Inc. CORPORATION CALIFORNIA 2145 Hamilton Avenue San Jose CALIFORNIA 95125

**Attorney of Record** Ester Martin Maillaro

**Prior Registrations** 2218732

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20111214.

**Renewal** 1ST RENEWAL 20111214

**Live/Dead Indicator** LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | BOTTOM | HELP

Logout Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

TSDR | ASSIGN Status | TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

# EBAY

<b>Word Mark</b>	EBAY
<b>Goods and Services</b>	IC 020. US 002 013 022 025 032 050. G & S: plastic key chain tags and plastic novelty license plate frames. FIRST USE: 20000700. FIRST USE IN COMMERCE: 20000700
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76267752
<b>Filing Date</b>	June 6, 2001
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	October 2, 2001
<b>Registration Number</b>	<b>2522630</b>
<b>Registration Date</b>	December 25, 2001
<b>Owner</b>	(REGISTRANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose CALIFORNIA 95125
<b>Attorney of Record</b>	Ester Martin Maillaro
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20111216.
<b>Renewal</b>	1ST RENEWAL 20111216
<b>Live/Dead</b>	LIVE

## Indicator

---

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE DICT](#)

[SEARCH OG](#)

[TOP](#)

[HELP](#)

---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | BOTTOM | HELP

Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

( Use the "Back" button of the Internet Browser to return to TESS)

# EBAY

<b>Word Mark</b>	EBAY
<b>Goods and Services</b>	IC 018. US 001 002 003 022 041. G & S: [ duffel bags,] tote bags, backpacks [ and briefcases ]. FIRST USE: 19990400. FIRST USE IN COMMERCE: 19990400
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76271424
<b>Filing Date</b>	June 12, 2001
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	March 19, 2002
<b>Registration Number</b>	<b>2578260</b>
<b>Registration Date</b>	June 11, 2002
<b>Owner</b>	(REGISTRANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose CALIFORNIA 95125
<b>Attorney of Record</b>	Ester Martin Maillaro
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120614.
<b>Renewal</b>	1ST RENEWAL 20120614
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE DICT](#)

[SEARCH OG](#)

[TOP](#)

[HELP](#)

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OIG | BOTTOM | HELP

Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

( Use the "Back" button of the Internet Browser to return to TESS)

# EBAY

<b>Word Mark</b>	EBAY
<b>Goods and Services</b>	IC 038. US 100 101 104. G & S: Telecommunications services, namely, the electronic transmission of data and information; paging services. FIRST USE: 19990515. FIRST USE IN COMMERCE: 19990515
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76022871
<b>Filing Date</b>	April 10, 2000
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	December 5, 2000
<b>Registration Number</b>	<b>2592515</b>
<b>Registration Date</b>	July 9, 2002
<b>Owner</b>	(REGISTRANT) eBay Inc. CORPORATION DELAWARE 2125 Hamilton Avenue San Jose CALIFORNIA 95125
<b>Attorney of Record</b>	Ester Martin Maillaro
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120706.
<b>Renewal</b>	1ST RENEWAL 20120706

Live/Dead  
Indicator

LIVE

---

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE DICT](#)

[SEARCH OG](#)

[TOP](#)

[HELP](#)

---

[| HOME](#) | [| SITE INDEX](#) | [| SEARCH](#) | [| eBUSINESS](#) | [| HELP](#) | [| PRIVACY POLICY](#)



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | BOTTOM | HELP

Logout Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

TSDR | ASSIGN Status | TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

EBAY

<b>Word Mark</b>	EBAY
<b>Goods and Services</b>	IC 021. US 002 013 023 029 030 033 040 050. G & S: mugs, tumblers, and water bottles sold empty; containers for food or beverages, namely, lunch containers made of vinyl or nylon. FIRST USE: 19990400. FIRST USE IN COMMERCE: 19990400
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76271411
<b>Filing Date</b>	June 12, 2001
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	May 14, 2002
<b>Registration Number</b>	<b>2604374</b>
<b>Registration Date</b>	August 6, 2002
<b>Owner</b>	(REGISTRANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose CALIFORNIA 95125
<b>Attorney of Record</b>	Ester Martin Maillaro
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120806.
<b>Renewal</b>	1ST RENEWAL 20120806

Live/Dead  
Indicator

LIVE

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE DICT](#)

[SEARCH OG](#)

[TOP](#)

[HELP](#)

[| HOME](#) | [| SITE INDEX](#) | [| SEARCH](#) | [| eBUSINESS](#) | [| HELP](#) | [| PRIVACY POLICY](#)



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

[TSDR](#)

[ASSIGN Status](#)

[TTAB Status](#)

*( Use the "Back" button of the Internet Browser to return to TESS)*

## Typed Drawing

Word Mark	EBAY
Goods and Services	IC 025. US 022 039. G & S: Clothing, namely, jackets. FIRST USE: 20001128. FIRST USE IN COMMERCE: 20001128
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75625390
Filing Date	January 20, 1999
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	April 11, 2000
Registration Number	<b>2666767</b>
Registration Date	December 24, 2002
Owner	(REGISTRANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose CALIFORNIA 95125
Attorney of Record	Ester Martin Maillaro
Prior Registrations	2218732
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20121116.
Renewal	1ST RENEWAL 20121116
Live/Dead Indicator	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)





## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | BOTTOM | HELP

Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

( Use the "Back" button of the Internet Browser to return to TESS)

# Typed Drawing

<b>Word Mark</b>	EBAY
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: Computer e-commerce software to allow users to perform electronic business transactions conducted in the form of an auction via a global computer network and computer database software featuring information in the field of hobbies, collectibles and a wide variety of products. FIRST USE: 20010301. FIRST USE IN COMMERCE: 20010301
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75620479
<b>Filing Date</b>	January 13, 1999
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	January 9, 2001
<b>Registration Number</b>	<b>2700675</b>
<b>Registration Date</b>	March 25, 2003
<b>Owner</b>	(REGISTRANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose CALIFORNIA 95125
<b>Attorney of Record</b>	Ester Martin Maillaro
<b>Prior Registrations</b>	2218732
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20130312.
<b>Renewal</b>	1ST RENEWAL 20130312
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE DICT](#)

[SEARCH OG](#)

[TOP](#)

[HELP](#)

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | BOTTOM | HELP

Logout Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

TSDR | ASSIGN Status | TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

# Typed Drawing

**Word Mark** EBAY

**Goods and Services** IC 016. US 002 005 022 023 029 037 038 050. G & S: PUBLICATIONS, NAMELY, A SERIES OF NONFICTION BOOKS, CONCERNING HOBBIES, COLLECTIBLES, AUCTIONS, AND A WIDE VARIETY OF PRODUCTS RELATING TO ANTIQUES, ART LITERATURE, CULTURE, TECHNOLOGY, TRAVEL, SPORTS, ENTERTAINMENT, HOME FURNISHINGS, GARDEN ITEMS, MUSICAL INSTRUMENTS, MOTOR VEHICLES, TOYS AND GAMES, FASHION, JEWELRY, ELECTRONICS, PHOTOGRAPHY, HOLIDAY RELATED ITEMS, FILM AND VIDEO; PAPER AND STATIONERY ITEMS, NAMELY, MEMO PADS, [ PAPER POSTCARDS, BUMPER STICKERS, CALENDARS, DECORATIVE STICKERS AND DECALS ]. FIRST USE: 19991100. FIRST USE IN COMMERCE: 19991100

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75983141

**Filing Date** January 13, 1999

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** August 15, 2000

**Registration Number** 2700836

**Registration Date** March 25, 2003

**Owner** (REGISTRANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose CALIFORNIA 95125

**Attorney of Record** Ester Martin Maillaro

**Prior Registrations** 2218732

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20130312.  
**Renewal** 1ST RENEWAL 20130312  
**Live/Dead Indicator** LIVE

---

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE DICT](#)

[SEARCH OG](#)

[TOP](#)

[HELP](#)

---

[| HOME |](#) [SITE INDEX |](#) [SEARCH |](#) [eBUSINESS |](#) [HELP |](#) [PRIVACY POLICY](#)



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OQ | BOTTOM | HELP

Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

( Use the "Back" button of the Internet Browser to return to TESS)

# EBAY

<b>Word Mark</b>	EBAY
<b>Goods and Services</b>	IC 038. US 100 101 104. G & S: Providing an online, interactive bulletin board for the transmission of messages among computer users concerning hobbies, collectibles, trading, and the sale of items via a global computer network. FIRST USE: 19960500. FIRST USE IN COMMERCE: 19960500
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76975318
<b>Filing Date</b>	April 10, 2000
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	May 15, 2001
<b>Registration Number</b>	<b>2744717</b>
<b>Registration Date</b>	July 29, 2003
<b>Owner</b>	(REGISTRANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose CALIFORNIA 95125
<b>Attorney of Record</b>	Ester Martin Maillaro
<b>Prior Registrations</b>	2218732;2367895;2367932
<b>Type of Mark</b>	SERVICE MARK

**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20130621.  
**Renewal** 1ST RENEWAL 20130621  
**Live/Dead Indicator** LIVE

---

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

---

[| HOME |](#) [SITE INDEX|](#) [SEARCH |](#) [eBUSINESS |](#) [HELP |](#) [PRIVACY POLICY](#)



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | BOTTOM | HELP

Logout Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

TSDR | ASSIGN Status | TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

# Typed Drawing

**Word Mark** EBAY

**Goods and Services** IC 016. US 002 005 022 023 029 037 038 050. G & S: PUBLICATIONS, namely, A SERIES OF NONFICTION BOOKS CONCERNING HOBBIES, COLLECTIBLES, AUCTIONS, AND A WIDE VARIETY OF PRODUCTS RELATING TO ANTIQUES, ART, LITERATURE, CULTURE, TECHNOLOGY, TRAVEL, SPORTS, ENTERTAINMENT, HOME FURNISHINGS, GARDEN ITEMS, MUSICAL INSTRUMENTS, MOTOR VEHICLES, TOYS AND GAMES, FASHION, JEWELRY, ELECTRONICS, PHOTOGRAPHY, HOLIDAY RELATED ITEMS, FILM AND VIDEO; PAPER AND STATIONERY ITEMS, NAMELY, [ GREETING CARDS, ] MEMORANDUM BOARDS, MEMO PADS, PAPER [ POSTCARDS ], STATIONERY, PENS, [ BUMPER STICKERS, ] CALENDARS AND DECORATIVE STICKERS [ AND DECALS ]. FIRST USE: 20021210. FIRST USE IN COMMERCE: 20021210

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75620500

**Filing Date** January 13, 1999

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** August 15, 2000

**Registration Number** 2810863

**Registration Date** February 3, 2004

**Owner** (REGISTRANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose CALIFORNIA 95125

**Attorney of Record** Ester Martin Maillaro

**Prior Registrations** 2218732

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20140612.  
**Renewal** 1ST RENEWAL 20140612  
**Live/Dead Indicator** LIVE

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE DICT](#)

[SEARCH OG](#)

[TOP](#)

[HELP](#)

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

**Word Mark** EBAY

**Goods and Services** IC 041. US 100 101 107. G & S: Providing sweepstakes, games of chance and contests via the internet. FIRST USE: 19990100. FIRST USE IN COMMERCE: 19990100

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 78384624

**Filing Date** March 15, 2004

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** September 28, 2004

**Registration Number** **2913401**

**Registration Date** December 21, 2004

**Owner** (REGISTRANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose CALIFORNIA 95125

**Attorney of Record** Ester Martin Maillaro

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20141212.

**Renewal** 1ST RENEWAL 20141212

**Live/Dead Indicator** LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)





## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | BOTTOM | HELP

Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

( Use the "Back" button of the Internet Browser to return to TESS)

# EBAY

<b>Word Mark</b>	EBAY
<b>Goods and Services</b>	IC 041. US 100 101 107. G & S: Entertainment services, namely, providing a radio program in the fields of hobbies, collectibles, trading and auctions. FIRST USE: 20030626. FIRST USE IN COMMERCE: 20030626
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76022893
<b>Filing Date</b>	April 10, 2000
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	April 24, 2001
<b>Registration Number</b>	<b>2926481</b>
<b>Registration Date</b>	February 15, 2005
<b>Owner</b>	(REGISTRANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose CALIFORNIA 95125
<b>Attorney of Record</b>	Ester Martin Maillaro
<b>Prior Registrations</b>	2218732;2367895;2367932
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20141218.

**Renewal**  
**Live/Dead**  
**Indicator**

1ST RENEWAL 20141218

LIVE

---

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE DICT](#)

[SEARCH OG](#)

[TOP](#)

[HELP](#)

---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | BOTTOM | HELP

Logout Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

TSDR | ASSIGN Status | TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)



**Word Mark** EBAY

**Goods and Services** IC 035. US 100 101 102. G & S: Online trading services, namely, operating online marketplaces for sellers and buyers of goods and services; online trading services in which sellers post products or services to be offered for sale, and purchasing or bidding is done via the Internet in order to facilitate the sale of goods and services by others via a computer network; providing evaluative feedback and ratings of sellers' goods and services, the value and prices of sellers' goods and services, buyers' and sellers' performance, delivery, and overall trading experience in connection therewith; providing a searchable online advertising guide featuring the goods and services of online vendors; providing a searchable online evaluation database for buyers and sellers; advertising and advertisement services; business services in the nature of intellectual property claims management, namely, processing and administration of claims of intellectual property owners against third party sellers; identification verification services, namely, confirming authenticity of environmentally friendly products, producers and sellers for the purposes of helping consumers make informed purchasing decisions. FIRST USE: 20121010. FIRST USE IN COMMERCE: 20121010

IC 036. US 100 101 102. G & S: Real estate listing services; classified real estate listings of apartment rentals, housing rentals and vacation rentals; providing purchase protection services in the field of online trading of goods and services by others via a global computer network; charitable fundraising services. FIRST USE: 20121010. FIRST USE IN COMMERCE: 20121010

IC 038. US 100 101 104. G & S: Telecommunications services, namely, the electronic transmission of data and information; electronic messaging; providing an online, interactive bulletin board for the transmission of messages among computer users concerning hobbies, collectibles, trading, and the sale of goods and services via a global computer network. FIRST USE: 20121010. FIRST USE IN COMMERCE: 20121010

**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number** 85727676  
**Filing Date** September 12, 2012  
**Current Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** March 12, 2013  
**Registration Number** 4408423  
**Registration Date** September 24, 2013  
**Owner** (REGISTRANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose CALIFORNIA 95125  
**Attorney of Record** Ester Martin Maillaro  
**Prior Registrations** 2218732;2410023;2744717;AND OTHERS  
**Description of Mark** The color(s) red, blue, yellow and green is/are claimed as a feature of the mark. The mark consists of the letters "ebay" all in lower case, each in the color red, blue, yellow and green respectively.  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

---

[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)

---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

# **Exhibit B**



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)



**Word Mark**  
**Goods and Services**

EBAY

IC 009. US 021 023 026 036 038. G & S: Mouse pads; computer e-commerce software to allow users to conduct electronic business transactions in online marketplaces via a global computer network; computer database software featuring information in the field of hobbies, collectibles and a wide variety of products; computer software and software development tools for use in developing further software and software applications in the field of e-commerce

IC 014. US 002 027 028 050. G & S: Clocks; watches; jewellery

IC 016. US 002 005 022 023 029 037 038 050. G & S: Publications, namely, a series of nonfiction books concerning hobbies, collectibles, auctions, online marketplaces, and a wide variety of products relating to antiques, art, literature, culture, technology, travel, sports, entertainment, home furnishings, garden items, musical instruments, motor vehicles, toys and games, fashion, jewelry, electronics, photography, holiday related items, film and video; paper and stationery items, namely, greeting cards, memo boards, memo pads, paper postcards, stationery, pens and pencils; bumper stickers, calendars, decorative stickers and decals; playing cards; lunch bags

IC 018. US 001 002 003 022 041. G & S: Duffel bags, tote bags, backpacks and briefcases

IC 020. US 002 013 022 025 032 050. G & S: Plastic key chain tags

IC 021. US 002 013 023 029 030 033 040 050. G & S: Mugs; tumblers; water bottles sold empty; lunch boxes; personal dispensers for candy for domestic use

IC 025. US 022 039. G & S: Clothing, namely, t-shirts, sweatshirts, caps, jackets, and visors

IC 028. US 022 023 038 050. G & S: Christmas tree ornaments; soft sculpture toys; plush toys; toy

miniature cars; bean bag toys; toy candy dispensers

IC 030. US 046. G & S: Candy

IC 041. US 100 101 107. G & S: Providing sweepstakes, games of chance and contests via the internet; entertainment services, namely, providing an ongoing radio program in the fields of hobbies, collectibles, trading, buying, selling, and online auctions and marketplaces; educational services, namely, conducting classes in the field of information security and providing corporate education courses in the field of information security; educational services, namely, providing courses, classes and seminars in the fields of buying and selling via online marketplaces, as well as establishing and operating online marketplace businesses

IC 042. US 100 101. G & S: Design and development of computer software, software applications, and application programming interfaces; providing temporary use of on-line, non-downloadable computer software and software development tools for use in developing further software and software applications in the field of e-commerce; providing temporary use of online, non-downloadable e-commerce software to allow users to conduct electronic business transactions in online marketplaces via a global computer network; maintenance and updating of computer software for others; providing a website that gives users the ability to create customized web pages featuring user-defined information in the field of intellectual property rights and intellectual property enforcement policies, in order to assist program participants with inquiries and requests regarding use of intellectual property by others in an online marketplace

IC 045. US 100 101. G & S: Online social networking services; providing information regarding intellectual property owners and their enforcement policies, all in order to assist program participants with inquiries and requests regarding use of intellectual property by others in an online marketplace

**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number** 85727672

**Filing Date** September 12, 2012

**Current Basis** 1B

**Original Filing Basis** 1B

**Published for Opposition** March 12, 2013

**Owner** (APPLICANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose CALIFORNIA 95125

**Attorney of Record** Ester Martin Maillaro

**Prior Registrations** 2367932;2518652;2700836;AND OTHERS

**Description of Mark** The color(s) color red, blue, yellow and green is/are claimed as a feature of the mark. The mark consists of the letters "ebay" all in lower case, each in the color red, blue, yellow and green respectively.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | BOTTOM | HELP

Logout Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

TSDR | ASSIGN Status | TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

# WHEN IT'S ON YOUR MIND, IT'S ON EBAY

**Word Mark** WHEN IT'S ON YOUR MIND, IT'S ON EBAY

**Goods and Services** IC 035. US 100 101 102. G & S: On-line trading services, namely, operating on-line marketplaces for sellers of goods and/or services; online trading services in which seller posts products to be offered for sale and bidding is done via the Internet in order to facilitate the sale of goods and services by others via a computer network and providing evaluative feedback and ratings of sellers' goods and services, the value and prices of sellers' goods and services, buyers' and sellers' performance, delivery, and overall trading experience in connection therewith; advertising and advertisement services; classified advertising services; on-line advertising on computer communications networks. FIRST USE: 20110914. FIRST USE IN COMMERCE: 20110914

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85376647

**Filing Date** July 20, 2011

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** December 13, 2011

**Registration Number** 4105599

**Registration Date** February 28, 2012

**Owner** (REGISTRANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose

CALIFORNIA 95125

**Attorney of Record**

Ester Martin Maillaro

**Prior Registrations**

2218732;2420512;3299409;AND OTHERS

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Live/Dead Indicator**

LIVE

---

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE DICT](#)

[SEARCH OG](#)

[TOP](#)

[HELP](#)

---

[| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY](#)



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue May 3 03:21:40 EDT 2016

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | BOTTOM | HELP

Logout Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

TSDR | ASSIGN Status | TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)



<b>Word Mark</b>	EBAY CLASSIFIEDS GROUP
<b>Goods and Services</b>	IC 035. US 100 101 102. G & S: On line advertising on computer communication networks; classified advertising services. FIRST USE: 20121110. FIRST USE IN COMMERCE: 20121110
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.15.01 - Polygons as carriers or as single or multiple line borders
<b>Serial Number</b>	85778230
<b>Filing Date</b>	November 13, 2012
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	March 5, 2013
<b>Registration Number</b>	<b>4338835</b>
<b>Registration Date</b>	May 21, 2013
<b>Owner</b>	(REGISTRANT) eBay Inc. CORPORATION DELAWARE 2145 Hamilton Avenue San Jose CALIFORNIA 95125
<b>Attorney of Record</b>	Ester Martin Maillaro
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CLASSIFIEDS GROUP" APART FROM THE MARK AS SHOWN
<b>Description of</b>	The color(s) red, blue, yellow, green, white and gray is/are claimed as a feature of the mark. The

**Mark** mark consists of the stylized color mark "EBAY" comprised of a red "E", a blue "B", a yellow "A", and a green "Y", and the words "CLASSIFIEDS GROUP" appearing in gray and partially surrounded by a gray border. All of the foregoing appears on a white background.

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

---

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE DICT](#)

[SEARCH OG](#)

[TOP](#)

[HELP](#)

---

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

# **Exhibit C**

## Welcome to Consultants Bay

Online Professional Social Network

### Consultants Bay for Professionals

- Promote Yourself
- Connect with Consultants, Employers
- Find & Apply for Job
- Manage Your Schedule Meeting, Interviews, Events
- Find Companies, Analyze Markets

### Consultants Bay for Business

- Promote Your Business
- Recruit Consultants
- Post Jobs
- Manage Your Schedule Meeting, Interviews, Events
- Find Competitors, Markets Analytics

Register

### Login

User name

Password

Remember me

Sign In

[Forgot password?](#)

## About Consultants Bay

Consultants Bay is an Online Professional Social Network, Consultants Bay founded and owned by Ahmed, Hergazy. The website was officially launched on April 2, 2015.

For more information [click here](#)

## Contact us

For any inquiries, Suggestions, Complaints, Feedbacks

For further inquiries you can also contact us at [info@consultantsbay.com](mailto:info@consultantsbay.com)

Name :

Mobile :

Email :

Inquiry type :

Description :

Submit

ESTTA Tracking number: **ESTTA744385**

Filing date: **05/04/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

<b>Name</b>	eBay Inc.
<b>Granted to Date of previous extension</b>	05/04/2016
<b>Address</b>	2145 Hamilton Avenue San Jose, CA 95125 UNITED STATES
<b>Attorney information</b>	Hope Hamilton Holland & Hart LLP PO Box 8749 __Attn: Trademark Docketing Denver, CO 80201 UNITED STATES docket@hollandhart.com, HIHamilton@hollandhart.com, RTLawrence@hollandhart.com, mamooore@hollandhart.com, eBay@hollandhart.com

### Applicant Information

<b>Application No</b>	86620368	<b>Publication date</b>	01/05/2016
<b>Opposition Filing Date</b>	05/04/2016	<b>Opposition Period Ends</b>	05/04/2016
<b>Applicant</b>	Hegazy, Ahmed Discovery Gardens 411 Dubai, 4354 UNITED ARAB EMIRATES		

### Goods/Services Affected by Opposition

--

Class 035. First Use: 2015/04/02 First Use In Commerce: 2015/04/02  
 All goods and services in the class are opposed, namely: On-line professional networking services

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)

**Marks Cited by Opposer as Basis for Opposition**

<b>U.S. Registration No.</b>	2218732	<b>Application Date</b>	11/17/1997
<b>Registration Date</b>	01/19/1999	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>			
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 035. First use: First Use: 1995/09/04 First Use In Commerce: 1995/09/04 on-line trading services in which seller posts items to be auctioned and bidding is done electronically, and providing evaluative feedback and ratings of sellers' goods and services, the value and prices of sellers' goods, buyers' and sellers' performance, delivery, and overall trading experience in connection therewith		
<b>U.S. Registration No.</b>	2367932	<b>Application Date</b>	01/13/1999
<b>Registration Date</b>	07/18/2000	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>	75621219#TMSN.png		
<b>Description of Mark</b>	NONE		

<b>Goods/Services</b>	Class 028. First use: First Use: 1998/12/15 First Use In Commerce: 1998/12/15 Christmas tree ornaments and soft sculpture toys		
<b>U.S. Registration No.</b>	2501043	<b>Application Date</b>	01/13/1999
<b>Registration Date</b>	10/23/2001	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>			
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 014. First use: First Use: 1998/05/13 First Use In Commerce: 1998/05/13 clocks and watches		
<b>U.S. Registration No.</b>	2518652	<b>Application Date</b>	01/20/1999
<b>Registration Date</b>	12/11/2001	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>			
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 025. First use: First Use: 1998/05/13 First Use In Commerce: 1998/12/00 Clothing, namely, t-shirts, caps and sweatshirts		
<b>U.S. Registration No.</b>	2522630	<b>Application Date</b>	06/06/2001
<b>Registration Date</b>	12/25/2001	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>	76267752#TMSN.png		
<b>Description of Mark</b>	NONE		

<b>Goods/Services</b>	Class 020. First use: First Use: 2000/07/00 First Use In Commerce: 2000/07/00 plastic key chain tags and plastic novelty license plate frames		
<b>U.S. Registration No.</b>	2578260	<b>Application Date</b>	06/12/2001
<b>Registration Date</b>	06/11/2002	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>	76271424#TMSN.png		
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 018. First use: First Use: 1999/04/00 First Use In Commerce: 1999/04/00 [ duffel bags,] tote bags, backpacks [ and briefcases ]		
<b>U.S. Registration No.</b>	2592515	<b>Application Date</b>	04/10/2000
<b>Registration Date</b>	07/09/2002	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>	76022871#TMSN.png		
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 038. First use: First Use: 1999/05/15 First Use In Commerce: 1999/05/15 Telecommunications services, namely, the electronic transmission of data and information; paging services		
<b>U.S. Registration No.</b>	2604374	<b>Application Date</b>	06/12/2001
<b>Registration Date</b>	08/06/2002	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>	76271411#TMSN.png		
<b>Description of Mark</b>	NONE		

<b>Goods/Services</b>	Class 021. First use: First Use: 1999/04/00 First Use In Commerce: 1999/04/00 mugs, tumblers, and water bottles sold empty; containers for food or beverages, namely, lunch containers made of vinyl or nylon		
<b>U.S. Registration No.</b>	2666767	<b>Application Date</b>	01/20/1999
<b>Registration Date</b>	12/24/2002	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>			
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 025. First use: First Use: 2000/11/28 First Use In Commerce: 2000/11/28 Clothing, namely, jackets		
<b>U.S. Registration No.</b>	2700675	<b>Application Date</b>	01/13/1999
<b>Registration Date</b>	03/25/2003	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>			
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 009. First use: First Use: 2001/03/01 First Use In Commerce: 2001/03/01 Computer e-commerce software to allow users to perform electronic business transactions conducted in the form of an auction via a global computer network and computer database software featuring information in the field of hobbies, collectibles and a wide variety of products		
<b>U.S. Registration No.</b>	2700836	<b>Application Date</b>	01/13/1999
<b>Registration Date</b>	03/25/2003	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>			

<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	<p>Class 016. First use: First Use: 1999/11/00 First Use In Commerce: 1999/11/00  PUBLICATIONS, NAMELY, A SERIES OF NONFICTION BOOKS, CONCERNING HOBBIES, COLLECTIBLES, AUCTIONS, AND A WIDE VARIETY OF PRODUCTS RELATING TO ANTIQUES, ART LITERATURE, CULTURE, TECHNOLOGY, TRAVEL, SPORTS, ENTERTAINMENT, HOME FURNISHINGS, GARDEN ITEMS, MUSICAL INSTRUMENTS, MOTOR VEHICLES, TOYS AND GAMES, FASHION, JEWELRY, ELECTRONICS, PHOTOGRAPHY, HOLIDAY RELATED ITEMS, FILM AND VIDEO; PAPER AND STATIONERY ITEMS, NAMELY, MEMO PADS, [ PAPERPOSTCARDS, BUMPER STICKERS, CALENDARS, DECORATIVE STICKERS AND DECALS ]</p>		
<b>U.S. Registration No.</b>	2744717	<b>Application Date</b>	04/10/2000
<b>Registration Date</b>	07/29/2003	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>	76975318#TMSN.png		
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	<p>Class 038. First use: First Use: 1996/05/00 First Use In Commerce: 1996/05/00  Providing an online, interactive bulletin board for the transmission of messages among computer users concerning hobbies, collectibles, trading, and the sale of items via a global computer network</p>		
<b>U.S. Registration No.</b>	2810863	<b>Application Date</b>	01/13/1999
<b>Registration Date</b>	02/03/2004	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>			
<b>Description of Mark</b>	NONE		

<b>Goods/Services</b>	Class 016. First use: First Use: 2002/12/10 First Use In Commerce: 2002/12/10 PUBLICATIONS, namely, A SERIES OF NONFICTION BOOKS CONCERNING HOBBIES, COLLECTIBLES, AUCTIONS, AND A WIDE VARIETY OF PRODUCTS RELATING TO ANTIQUES, ART, LITERATURE, CULTURE, TECHNOLOGY, TRAVEL, SPORTS, ENTERTAINMENT, HOME FURNISHINGS, GARDEN ITEMS, MUSICAL INSTRUMENTS, MOTOR VEHICLES, TOYS AND GAMES, FASHION, JEWELRY, ELECTRONICS, PHOTOGRAPHY, HOLIDAY RELATED ITEMS, FILM AND VIDEO; PAPER AND STATIONERY ITEMS, NAMELY, [ GREETING CARDS, ] MEMORANDUM BOARDS, MEMO PADS, PAPER [ POSTCARDS ], STATIONERY, PENS, [ BUMPER STICKERS, ] CALENDARS AND DECORATIVE STICKERS [ AND DECALS ]		
<b>U.S. Registration No.</b>	2913401	<b>Application Date</b>	03/15/2004
<b>Registration Date</b>	12/21/2004	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>	78384624#TMSN.png		
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 041. First use: First Use: 1999/01/00 First Use In Commerce: 1999/01/00 Providing sweepstakes, games of chance and contests via the internet		
<b>U.S. Registration No.</b>	2926481	<b>Application Date</b>	04/10/2000
<b>Registration Date</b>	02/15/2005	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>	76022893#TMSN.png		
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 041. First use: First Use: 2003/06/26 First Use In Commerce: 2003/06/26 Entertainment services, namely, providing a radio program in the fields of hobbies, collectibles, trading and auctions		

<b>U.S. Registration No.</b>	4408423	<b>Application Date</b>	09/12/2012
<b>Registration Date</b>	09/24/2013	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>	85727676#TMSN.png		
<b>Description of Mark</b>	The mark consists of the letters "ebay"all in lower case, each in the color red, blue, yellow and green respectively.		
<b>Goods/Services</b>	<p>Class 035. First use: First Use: 2012/10/10 First Use In Commerce: 2012/10/10  Online trading services, namely, operating online marketplaces for sellers and buyers of goods and services; online trading services in which sellers post products or services to be offered for sale,and purchasing or bidding is done via the Internet in order to facilitate the sale of goods and services by others via a computer network; providing evaluativefeedback and ratings of sellers' goods and services, the value and prices of sellers' goods and services, buyers' and sellers' performance, delivery, and overall trading experience in connection therewith; providing a searchable online advertising guide featuring the goods and services of online vendors; providing a searchable online evaluation database forbuyers and sellers; advertising and advertisement services; business services in the nature of intellectual property claims management, namely, processing and administration of claims of intellectualproperty owners against third party sellers; identification verification services, namely, confirming authenticity of environmentally friendly products, producers and sellers for the purposes of helping consumers make informed purchasing decisions</p> <p>Class 036. First use: First Use: 2012/10/10 First Use In Commerce: 2012/10/10  Real estate listing services; classified real estate listings of apartment rentals, housing rentals and vacation rentals; providing purchase protection services in the field of online trading of goods and services by others via a global computer network; charitable fundraising services</p> <p>Class 038. First use: First Use: 2012/10/10 First Use In Commerce: 2012/10/10  Telecommunications services, namely, the electronic transmission of data and information; electronic messaging; providing an online, interactive bulletin boardfor the transmission of messages among computer users concerning hobbies, collectibles, trading, and the sale of goods and services via a global computer network</p>		
<b>U.S. Application No.</b>	85727672	<b>Application Date</b>	09/12/2012

<b>Registration Date</b>	NONE	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	EBAY		
<b>Design Mark</b>	85727672#TMSN.png		
<b>Description of Mark</b>	The mark consists of the letters "ebay"all in lower case, each in the color red, blue, yellow and green respectively.		

**Goods/Services**

Class 009. First use: First Use: 0 First Use In Commerce: 0  
Mouse pads; computer e-commerce software to allow users to conduct electronic business transactions in online marketplaces via a global computer network; computer database software featuring information in the field of hobbies, collectibles and a wide variety of products; computer software and software development tools for use in developing further software and software applications in the field of e-commerce

Class 014. First use: First Use: 0 First Use In Commerce: 0  
Clocks; watches; jewellery

Class 016. First use: First Use: 0 First Use In Commerce: 0  
Publications, namely, a series of nonfiction books concerning hobbies, collectibles, auctions, online marketplaces, and a wide variety of products relating to antiques, art, literature, culture, technology, travel, sports, entertainment, home furnishings, garden items, musical instruments, motor vehicles, toys and games, fashion, jewelry, electronics, photography, holiday related items, film and video; paper and stationery items, namely, greeting cards, memo boards, memo pads, paper postcards, stationery, pens and pencils; bumper stickers, calendars, decorative stickers and decals; playing cards; lunch bags

Class 018. First use: First Use: 0 First Use In Commerce: 0  
Duffel bags, tote bags, backpacks and briefcases

Class 020. First use: First Use: 0 First Use In Commerce: 0  
Plastic key chain tags

Class 021. First use: First Use: 0 First Use In Commerce: 0  
Mugs; tumblers; water bottles sold empty; lunch boxes; personal dispensers for candy for domestic use

Class 025. First use: First Use: 0 First Use In Commerce: 0  
Clothing, namely, t-shirts, sweatshirts, caps, jackets, and visors

Class 028. First use: First Use: 0 First Use In Commerce: 0  
Christmas tree ornaments; soft sculpture toys; plush toys; toy miniature cars; bean bag toys; toy candy dispensers

Class 030. First use: First Use: 0 First Use In Commerce: 0  
Candy

Class 041. First use: First Use: 0 First Use In Commerce: 0  
Providing sweepstakes, games of chance and contests via the internet; entertainment services, namely, providing an ongoing radio program in the fields of hobbies, collectibles, trading, buying, selling, and online auctions and marketplaces; educational services, namely, conducting classes in the field of information security and providing corporate education courses in the field of information security; educational services, namely, providing courses, classes and seminars in the fields of buying and selling via online marketplaces, as well as establishing and operating online marketplace businesses

Class 042. First use: First Use: 0 First Use In Commerce: 0

	<p>Design and development of computer software, software applications, and application programming interfaces; providing temporary use of on-line, non-downloadable computer software and software development tools for use in developing further software and software applications in the field of e-commerce; providing temporary use of online, non-downloadable e-commerce software to allow users to conduct electronic business transactions in online marketplaces via a global computer network; maintenance and updating of computer software for others; providing a website that gives users the ability to create customized web pages featuring user-defined information in the field of intellectual property rights and intellectual property enforcement policies, in order to assist program participants with inquiries and requests regarding use of intellectual property by others in an online marketplace</p> <p>Class 045. First use: First Use: 0 First Use In Commerce: 0</p> <p>Online social networking services; providing information regarding intellectual property owners and their enforcement policies, all in order to assist program participants with inquiries and requests regarding use of intellectual property by others in an online marketplace</p>		
<b>U.S. Registration No.</b>	4105599	<b>Application Date</b>	07/20/2011
<b>Registration Date</b>	02/28/2012	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	WHEN IT'S ON YOUR MIND, IT'S ON EBAY		
<b>Design Mark</b>	85376647#TMSN.png		
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	<p>Class 035. First use: First Use: 2011/09/14 First Use In Commerce: 2011/09/14</p> <p>On-line trading services, namely, operating on-line marketplaces for sellers of goods and/or services; online trading services in which seller posts products to be offered for sale and bidding is done via the Internet in order to facilitate the sale of goods and services by others via a computer network and providing evaluative feedback and ratings of sellers' goods and services, the value and prices of sellers' goods and services, buyers' and sellers' performance, delivery, and overall trading experience in connection therewith; advertising and advertisement services; classified advertising services; on-line advertising on computer communications networks</p>		
<b>U.S. Registration No.</b>	4338835	<b>Application Date</b>	11/13/2012
<b>Registration Date</b>	05/21/2013	<b>Foreign Priority Date</b>	NONE

<b>Word Mark</b>	EBAY CLASSIFIEDS GROUP
<b>Design Mark</b>	85778230#TMSN.png
<b>Description of Mark</b>	The mark consists of the stylized colormark "EBAY" comprised of a red "E", a blue "B", a yellow "A", and a green "Y", and the words "CLASSIFIEDS GROUP" appearing in gray and partially surrounded by a gray border. All of the foregoing appears on a white background.
<b>Goods/Services</b>	Class 035. First use: First Use: 2012/11/10 First Use In Commerce: 2012/11/10 On line advertising on computer communication networks; classified advertising services
<b>Attachments</b>	75621219#TMSN.png( bytes ) 76267752#TMSN.png( bytes ) 76271424#TMSN.png( bytes ) 76022871#TMSN.png( bytes ) 76271411#TMSN.png( bytes ) 76975318#TMSN.png( bytes ) 78384624#TMSN.png( bytes ) 76022893#TMSN.png( bytes ) 85727676#TMSN.png( bytes ) 85727672#TMSN.png( bytes ) 85376647#TMSN.png( bytes ) 85778230#TMSN.png( bytes ) Notice of Opposition.pdf(2154303 bytes )

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

<b>Signature</b>	/Hope Hamilton/
<b>Name</b>	Hope Hamilton
<b>Date</b>	05/04/2016

**[Return to ESTTA home page \(http://estta.uspto.gov/\)](http://estta.uspto.gov/) [Start another ESTTA filing \(http://estta.uspto.gov/filing-type.jsp\)](http://estta.uspto.gov/filing-type.jsp)**

(<http://www.uspto.gov/>)

BROWSE BY TOPIC

[ABOUT THIS SITE](#)

[USPTO BACKGROUND](#)

[FEDERAL GOVERNMENT](#)